

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>FRANK HYMAN</b>	:	
	:	
<b>Plaintiff,</b>	:	
	:	<b>Civil Action</b>
<b>v.</b>	:	
	:	<b>10-499</b>
<b>COMMISSIONER LOUIS GIORLA,</b>	:	
<b>et. al.</b>	:	
	:	
<b>Defendants.</b>	:	

**ORDER**

**AND NOW**, this 5<sup>th</sup> day of March 2014, upon consideration of defendants' motion for summary judgment (doc. no. 53) and plaintiff's response (doc. no. 54) thereto, **IT IS HEREBY ORDERED:**

1. Defendants' motion for summary judgment is **GRANTED** as to **COUNT II** of plaintiff's complaint;
2. Defendants' claims against the individual defendants in their official capacities are **DISMISSED**;
3. Defendants' motion is otherwise **DENIED**;
4. Count I of plaintiff's complaint shall proceed to trial against the City of Philadelphia and the individual defendants in their individual capacities.

BY THE COURT

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/s/ Lawrence F. Stengel  
LAWRENCE F. STENGEL, J.